

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

A.G. DESIGN & ASSOCIATES, LLC, a
Washington limited liability company,

Plaintiff,

v.

TRAINMAN LANTERN COMPANY, INC., a
Washington corporation, d/b/a AMERICAN
LANTERN COMPANY, INC.; AMERICAN
LANTERN, INC., a foreign corporation;
MARCUS MUKAI, individually and as a
marital community with JANE DOE MUKAI;
G. SCOTT MUKAI; and JOHN DOE
DEFENDANTS 1 through 10,

Defendants.

Case No. C07-5158FDB

ORDER GRANTING PLAINTIFF'S
MOTION TO REACTIVATE CASE
AND ENTER EMERGENCY ORDER

This Court's July 3, 2007 Order Granting Plaintiff's Motion for Injunctive Relief prevented further manufacturing marketing, or sale of the Accused Device or similar product, among other things, pending final resolution of the claim that Defendants infringed Plaintiff's Patented Device. The Court on August 7, 2007 entered a stay pending appeal of this matter to the Federal Circuit, and the case was statistically closed. Plaintiff now moves to reopen this matter to halt Defendants, specifically Marcus Mukai, "from making blatant false representations to Rail Marketplace, the


1 central purchasing consortium for all Class I railways in the United States.” Defendants oppose such
2 order, contending there are misrepresentations from Plaintiff as well.

3 With the questions of patent infringement still undetermined and an appeal of this issue,
4 specifically this Court’s Order Granting Plaintiff’s Motion for Preliminary Injunction, pending in the
5 Federal Circuit, neither party should have the advantage of marketing its product until further order
6 of the Court. Therefore, neither Plaintiff nor Defendants may market their respective devices to
7 anyone including Rail Marketplace.

8 NOW, THEREFORE, IT IS ORDERED: Plaintiff’s Motion To Reactivate Case and Enter
9 Emergency Order Halting Defendants from Making False Representations is GRANTED as follows:

- 10 1. Defendants, and Marcus Mukai specifically, are hereby ordered to halt immediately
11 any representations to individuals associated with Rail Marketplace falsely indicating
12 that there are no further legal issues pending against him and his company by A.G.
13 Design;
- 14 2. Plaintiff authorized to immediately provide copies of this Order to recipients of Mr.
15 Mukai’s August 8, 2007 email.
- 16 3. Neither Plaintiff nor Defendant may market their lanterns that are the subject of this
17 lawsuit until the infringement issue has been resolved and the injunction has been
18 lifted.

19
20 DATED this 4th day of September, 2007.

21
22 
23 FRANKLIN D. BURGESS
24 UNITED STATES DISTRICT JUDGE
25
26